

NOV 14 2002

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AF/2684

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael B. FREEMAN et al.

Application Serial No.: 09/464,784

**RESPONSE UNDER 37 CFR § 1.116
EXPEDITED PROCEDURE**

Examiner: Chow, C.

Group Art Unit: 2684

Filing Date: December 17, 1999

Attorney Docket No.: 09710-1004

Client Docket No.: COS-99-034

Corres. and Mail
BOX AF**RECEIVED**

For: APPARATUS AND METHOD FOR MANAGING CALL BILLING RECORDS

NOV 18 2002

Box AF, DIRECTOR OF PATENTS AND TRADEMARKS

Washington, DC 20231

Technology Center 2600

AMENDMENT TRANSMITTAL LETTER

Transmitted herewith is an amendment in the above-identified application.

FEE CALCULATION	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREV. PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	31	MINUS	31	0	\$18	\$ 0.00
INDEP. CLAIMS	4	MINUS	4	0	\$84	\$ 0.00
<input checked="" type="checkbox"/> Petition is hereby made under 37 CFR § 1.136(a) to extend the time for response to the Office Action of <u>August 21, 2002</u> to and through <u>November 14, 2002</u> , for an extension of:						\$ 0.00
<input type="checkbox"/> One month (\$110) <input type="checkbox"/> Two months (\$400) <input type="checkbox"/> Three months (\$920) <input type="checkbox"/> Four months (\$1440)						
TOTAL ADDITIONAL FEE DUE:						\$ 0.00

- Applicant claims small entity status. See 37 CFR § 1.27.
- No additional fee is required.
- Payment of \$ ___ by Credit Card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account _____, including any filing fees under 37 CFR § 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR § 1.17

Respectfully submitted,

DITTHAVONG & CARLSON, P.C.

Stephen C. Carlson

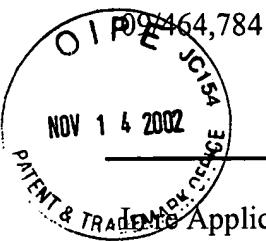
Reg. No. 39929

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on November 14, 2002.

Date:

Karlyn J. Geiger

Date: November 14, 2002



Patent

#131
Response
11/18/02
DT
(NBB)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date Application of:

Michael B. FREEMAN et al.

Application No.: 09/464,784

**Reply under 37 CFR 1.116
EXPEDITED PROCEDURE**

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For: APPARATUS AND METHOD FOR MANAGING CALL BILLING RECORDS

BOX AFAssistant Commissioner for Patents
Washington, D.C. 20231**RECEIVED**

NOV 18 2002

Technology Center 2600

RESPONSE UNDER 37 CFR 1.116

Dear Sir:

This is in response to the final Office Action of August 21, 2002, in which claims 1-31 are pending. For the sake of convenience, all pending claims are set forth in the Appendix.

The final Office Action mailed August 21, 2002 rejected claims 1-4 as obvious under 35 U.S.C. § 103 based on *Brouckman et al.* (US 6,134,307) in view of the newly-cited *Heindel et al.* (US 6,304,857), claims 5-7 and 27-31 over *Brouckman et al.* and *Heindel et al.* in view of the commonly-assigned *Witzman et al.* (US 5,737,399), claims 6-7 over *Brouckman et al.* and *Heindel et al.* in view of *Doherty et al.* (US 5,333,184), claims 8-10 over *Brouckman et al.* and *Heindel et al.* in view of *Kay et al.* (US 5,757,894), claims 11-16 over *Brouckman et al.* and *Heindel et al.* in view of *Herbert* (US 5,333,183), claims 17-23 over *Brouckman et al.* and *Heindel et al.* in view of *Liu et al.* (US 5,898,780) and *Wang* (US 5,991,746), and claims 24-26 over *Brouckman et al.* and *Heindel et al.* in view of *Jaiswal et al.* (US 6,002,754).

The rejection of claims 1-31 is respectfully traversed because neither *Brouckman et al.*, *Heindel et al.*, nor the other applied references teach or suggest the features of the claims. For example, independent claim 1 recites:

1. An apparatus for managing call billing records for users of a signaling network operative to carry user calls, comprising:
 - a gateway interfacing the signaling network with an Internet Service Provider and a local exchange carrier and operative to collect call billing data from the signaling network in a first data structure format; and
 - a network processor operative to:
 - receive the collected call billing data in the first data structure format from the gateway,
 - convert the collected call billing data from the first data structure format to a second data structure format, and
 - transmit the call billing data in the second data structure format to a data network for **billing processing by a co-carrier access billing system for settlement with the Internet Service Provider** and the local exchange carrier.

Independent claims 10, 17, and 22 also recite “billing processing by a co-carrier access billing system for settlement with the Internet Service Provider.” Provision of the recited functions for collecting, converting, transmitting, and settling call billing data advantageously addresses problems in conventional Internet Service Provider (ISP) billing solutions that require expensive switch features, considerable floor space, or heavy expenditures. (See specification, pp.1-2 and 7)

None of the references, however, teach or otherwise suggest this feature. Specifically, the primary reference, *Brouckman et al.*, is directed to converting call events received from a satellite-based communications system 100 for distribution to different entities around the world, so that proper billing can be performed (Abstract, and FIG. 1). *Brouckman et al.*, however, fails to teach or suggest “transmitting the call billing data in the second data structure format to a data network for billing processing by a co-carrier access billing system for settlement **with the**

Internet Service Provider and the local exchange carrier,” as set forth in independent claims 1, 10, 17, and 22.

Not finding the claimed billing processing for settlement in *Brouckman et al.*, the Office Action attempts to rely on *Heindel et al.* for the missing feature. *Heindel et al.* describes a distributed electronic billing system that allows “a biller to create and design a customized billing statement.” However, *Heindel et al.* fails to have any disclosure of any Internet Service Provider (ISP) much less “billing processing by a co-carrier access billing system for settlement with the Internet Service Provider” as recited in the claims. The lengthy citations of *Heindel et al.* do not address this ISPs, being directed instead to local exchange carriers.

The remaining references also fail to disclose the missing feature. Specifically, *Witzman et al.* describes centralized storage and verification elements (SAVE) that provide raw data filtered of extraneous data so as to be useful to downstream clients. In addition, *Doherty et al.* is directed to call message recording for telephone systems, *Kay et al.* to a virtual foreign exchange service, *Herbert* to an MDR data record collection and reporting system, *Liu et al.* to a method and system for authorizing remote Internet access, *Wang* to a billing system using a modified file transfer protocol, and *Jaiswal et al.* to billing formatter for telephone systems, but these all do not disclose the bill settlement with an ISP. Furthermore, there is no motivation but impermissible hindsight to cobble together these diverse references, picking and choosing arbitrary elements to meet the recited claims.

Dependent claims 2-9, 11-16, 18-21, and 23-31 are allowable for at least the same reasons as their independent claims and are separately patentable on their own merits. For example, claims 4 and 12-13 recite that “the network process is further operative to poll the gateway to collect the collected call billing data.” However, both *Brouckman et al.* at col. 4:38-40 (which merely states that billing records are created, not polled) and *Herbert et al.* at col. 28:22-31

(which does not disclose any polling of any gateway) both cited in the Office Action fail to disclose this feature as precisely claimed.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

11/14/2002

Date



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